

# The Complete Probate Guide for Georgia Homeowners

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What Every Heir Needs to Know About  
Selling Inherited Property

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A Free Guide from  
**Speedy Sell Homes**

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# What Is Probate?

Probate is the legal process of settling a deceased person's estate in Georgia. If you've recently inherited property, understanding this process is essential before making decisions about the real estate.

## The probate process involves:

- Validating the deceased's will (if one exists)
- Appointing a personal representative (executor or administrator)
- Identifying and inventorying all estate assets
- Paying outstanding debts and obligations
- Distributing remaining assets to the rightful heirs

In Georgia, probate is handled through the Probate Court in the county where the deceased lived at the time of death.

**Good news:** Not all estates require full probate. Small estates valued under \$10,000 (excluding real property) may qualify for simplified procedures, saving time and legal fees.

## Key Terms to Know

- **Executor/Administrator** — The person appointed to manage the estate
- **Letters Testamentary** — Court document giving the executor authority to act
- **Testate** — The deceased left a valid will
- **Intestate** — The deceased did not leave a will (Georgia law determines distribution)

# The Georgia Probate Timeline

## What to Expect at Each Stage

1

### File the Petition

Submit the petition to Probate Court in the county where the deceased lived. This should be done within a reasonable time after death.

2

### Court Appointment

The court appoints an executor (if named in the will) or an administrator, and issues Letters Testamentary granting legal authority.

3

### Notify Creditors

Publish a legal notice to creditors. In Georgia, creditors have 3 months from the notice date to file claims against the estate.

4

### Inventory Assets

Identify, inventory, and appraise all estate assets, including real property. This establishes the estate's total value.

5

### Settle Debts

Pay all valid debts, taxes, and estate expenses from estate funds. This must be completed before distributing assets to heirs.

6

### Distribute to Heirs

Once debts are settled, remaining assets are distributed according to the will or Georgia's intestacy laws.

**Typical Timeline:** The full probate process in Georgia takes 6-12 months on average, but contested estates or complex situations can take significantly longer.

# Can You Sell a House During Probate?

**YES** — You can sell a house during probate in Georgia, but certain conditions must be met first.

Selling a probate property in Georgia requires the executor to have proper legal authority. Here's what you need to know:

- **Executor Authority:** The executor must have authority to sell, either granted explicitly in the will or approved by the Probate Court.
- **Independent Administration:** If the will grants "independent administration," the executor can sell the property without additional court approval — making the process faster.
- **Court-Approved Sales:** If court approval is needed, the executor must petition the court. The sale typically must be at or near fair market value.
- **Heir Notification:** All heirs should be notified of the intended sale. Having all heirs in agreement prevents delays and legal challenges.
- **Title Requirements:** The title company will require Letters Testamentary and may require court orders before closing. A cash buyer experienced with probate sales can navigate this smoothly.
- **Why Sell During Probate?** Selling can actually benefit the estate by converting an illiquid asset into cash for debt payments and fair distribution among heirs — while eliminating ongoing property expenses.

# 5 Costly Mistakes Heirs Make

## During the Probate Process

- 1** **Waiting Too Long to Start Probate** — Every month of delay costs money in property taxes, homeowner's insurance, lawn maintenance, and potential vandalism on vacant homes. Start the process as soon as possible to minimize carrying costs.
- 2** **Not Securing the Property** — Empty houses are prime targets for break-ins, water damage from undetected leaks, and municipal code violations. Keep insurance active, utilities on (especially water and heat in winter), and check the property regularly.
- 3** **Making Expensive Repairs Before Selling** — It's tempting to renovate to get top dollar, but you may never recoup renovation costs on a probate property. The carrying costs during renovation can wipe out any added value. Consider selling as-is instead.
- 4** **Ignoring Tax Implications** — Understand the stepped-up basis for capital gains tax, potential estate tax obligations, and Georgia property tax deadlines. Consult a tax professional to avoid costly surprises.
- 5** **Letting Disagreements Derail the Process** — Family disputes about the property can drag probate out for years, racking up legal fees and property costs. Consider mediation or a neutral third party to help all heirs reach a fair consensus.

**Pro Tip:** The fastest way to stop the financial bleeding on a vacant probate property is to sell it quickly. A cash sale can close in as little as 7 days, eliminating all ongoing expenses.

# Your Options for Selling

## A Probate Property

List with an Agent	Sell to a Cash Buyer
<b>Timeline:</b> 3-6 months on market	<b>Timeline:</b> Close in as little as 7 days
<b>Fees:</b> 5-6% agent commissions	<b>Fees:</b> Zero commissions or fees
<b>Repairs:</b> Must fix up the home for showings	<b>Repairs:</b> Sell completely as-is
<b>Showings:</b> Open houses and walkthroughs	<b>Showings:</b> No showings required
<b>Certainty:</b> Buyers can back out	<b>Certainty:</b> Guaranteed closing
<b>Costs While Waiting:</b> Property taxes, insurance, maintenance	<b>Costs While Waiting:</b> Minimal - fast close

**Best for Probate Situations:** Selling to a cash buyer is often the ideal solution for heirs who want speed, certainty, and simplicity — especially when the property needs work, heirs live out of state, or the estate needs to settle quickly.

When multiple heirs are involved, a quick cash sale provides a clean, fair resolution. Everyone receives their share faster without the stress of managing a property from afar, dealing with repairs, or waiting months for a traditional buyer.

# Need Help Selling a Probate Property in Georgia?

We specialize in helping families navigate the sale of inherited and probate properties in the Augusta, GA area and across the CSRA.



**Get a fair, no-obligation cash offer in 24 hours.**

- ✓ No repairs needed — we buy as-is
- ✓ No agent fees or commissions
  - ✓ Close on your timeline
- ✓ We handle all the paperwork

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